

REMARKS

Claims 15, 16, 19, 21, 22, 23, 26, 27, 33, 34, 35, 49-55, 90, 91 and 92 have been canceled as being directed to non-elected inventions. The remainder of claims 1-89 have been amended to be in better condition for examination. Also, claim 3 has been amended to refer to compounds instead of an element (to avoid confusion with chemical elements); claim 32 has been amended to correctly claim dependence on claim 14 (instead of 28); claims 38, 56, 57, 58, 80 and 83 have been canceled; the last line of claim 40 has been deleted for clarity; and (to reduce confusion) the tissue concentration values expressed in mlCO/kg have been deleted as redundant of the values expressed in µgCO/kg in claims 60 to 71. No new matter has been added.

New claims 93 to 102 are submitted for the Examiner's consideration. No new matter has been added.

Basis for the amendment to claim 3 is provided by page 16, lines 2-12, indicating that the "elements" are carbon monoxide, tasteless smoke, or other "treatment elements"; tasteless smoke and carbon monoxide are compounds, not chemical elements.

Basis for new claim 93 appears on page 2, lines 28 to 31, page 3, lines 1 to 3, page 16, lines 21 to 31, page 20, lines 9 to 12 and lines 17 to 31, and page 21, lines 1 to 9, of the specification and original claim 13.

Basis for new claim 94 appears on page 17, lines 3 to 4, page 19, lines 26 to 31, page 20, lines 1 to 12, page 27, lines 24 to 31, page 28, lines 1 to 31, and page 29, lines 1 to 31, of the specification.

Basis for new claim 95 is provided by cancelled claims 34 and 35, and appears on page 20, lines 3 to 8, and page 29, lines 24 to 31.

Basis for new claim 96 appears on page 19, lines 26 to 30, and page 20, lines 3 to 5, of the specification.

Basis for new claim 97 appears on page 1, lines 6 to 10, lines 12 to 14, and lines 29 to 30, page 2, lines 1 to 2, page 4, lines 13 to 15, page 16, lines 4 to 20 and lines 29 to 31, and page 17, lines 1 to 4, of the specification.

Basis for new claim 98 appears on page 2, lines 28 to 31, page 3, lines 1 to 3, and page 22, lines 8 to 10, of the specification.

Basis for new claim 99 appears on page 16, lines 30 to 31, page 31, lines 30 to 31, and page 32, lines 1 to 2, of the specification.

Basis for new claim 100 appears on page 27, lines 24 to 31, page 28, lines 1 to 30, and page 29, lines 1 to 31, of the specification.

Basis for new claim 101 appears on page 27, lines 26 to 27, and page 28, lines 23 to 25, of the specification.

Basis for new claim 102 appears on page 16, lines 6 to 20.

The office action stated that restriction was required between claims 1-89, drawn to a method of treating an animal with a gas to preserve the meat of the animal (Group I); claim 90, drawn to an apparatus for a gas solute containing solution used to treat meat comprising a means to dissolve gas into a solvent (Group II); claim 91, drawn to an apparatus for treating live fish with carbon monoxide and water comprising a tank (Group III); and claim 92, drawn to an apparatus for treating seafood with a colloid solution and carbon monoxide comprising a container (Group IV).

Furthermore, the office action stated that if Applicant elects Group I, Applicant is required to make a species election with respect to (1) the animal treated (meat or seafood), and

if Applicant elects seafood, a subspecies election (salmon, tuna (including yellowfin tuna) or tilapia); (2) the living status of the animal (alive or dead); (3) the respiratory/circulatory method (natural or artificial); and (4) the gas delivery method (foamed colloid, capsule, or liquid solvent). Applicant was required to select one species from each of the four areas.

In response to the restriction requirement, and in light of the foregoing amendment to the claims of the application, Applicant hereby elects the invention of Group I, original claims 1-14, 17, 18, 20, 24, 25, 28-32, 36-89 and new claims 93-102 being readable thereon, drawn to a method of treating an animal with a gas to preserve the meat of the animal, without traverse. In response to the election of species requirement, Applicant hereby elects amended claims 43-48 and new claims 93-102, which are directed to the species of seafood, the subspecies of salmon, tuna and tilapia, the subspecies of live animals, the subspecies of a natural respiratory/circulatory method, and the subspecies of a liquid solvent gas delivery method, all without traverse, except that applicant traverses the election of subspecies requirement among salmon, tuna and tilapia because the invention relates to all seafood having gills (see, for example, claims 14 and 25), which includes not just fish, but other seafood (such as lobsters, crabs, clams, oysters, squid, octopus and other types of non-fish seafood), so that the subspecies should have been designated as fish and non-fish types of seafood (claim 10 was directed to seafood and claim 11 was directed to fish), instead of salmon, tuna and tilapia (to which claim 12 was directed). Page 3, line 29 refers to "a variety of seafood species." Original claims 1-14, 17, 18, 20, 24, 25, 28-32, 36-42, 59-89 are generic of the various subspecies. Claims 12, 15, 16, 19, 21, 22, 23, 26, 27, 33, 34, 35, 90, 91 and 92 were canceled because they are directed to species elected without traverse. Claims 49-55, 60-77, and 84-89 were not canceled because they are directed to non-elected

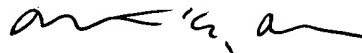
species where the election of species has been traversed. Claims 56, 57 and 58 have been canceled as being directed to formulae. Claims 80 and 83 have also been canceled.

In view of the above, it is respectfully submitted that the claims are now in condition for allowance. Allowance of the claims at an early date is earnestly solicited. If the claims would be in condition for allowance except for minor revisions, Applicant's attorney courteously invites a telephone interview initiated by the Examiner so that such revisions can be effected by Examiner's amendment.

Respectfully submitted,

Date: _____

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